

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

THE CITY OF ELKO,

Plaintiff,

v.

VILLE 837, LLC,

Defendant.

Case No. 3:24-cv-00214-ART-CLB

ORDER
(ECF No. 22)

Plaintiff City of Elko sued Defendant developer Ville 837 for violating a Nevada public-nuisance statute. Defendant seeks to stay proceedings while they exhaust an administrative remedy for a compulsory counterclaim.

I. Background & Analysis

Defendant sought to stay proceedings for 90 days to exhaust an administrative remedy for a compulsory counterclaim in June 2024. (ECF No. 22.) Several months have passed without an update about Defendant's efforts to exhaust.

Equitable factors and Defendant's long period without a status update require the Court to deny Defendant's motion for a stay. "The proponent of a stay bears the burden of establishing its need." *Clinton v. Jones*, 520 U.S. 681, 708. When deciding whether to issue a stay, the Court considers the possible damage which may result from the granting of a stay; the hardship or inequity which a party may suffer in being required to go forward; and the orderly course of justice measured in terms of the simplifying or complicating of issues, proof, and questions of law. *In re PG&E Corp. Sec. Litig.*, 100 F.4th 1076, 1085 (9th Cir. 2024) (citing *Ernest Bock, LLC v. Steelman*, 76 F.4th 827, 842 (9th Cir. 2023)). Plaintiff points to possible damage arising out of delay from Defendant's alleged failure to abate their nuisance property. (ECF No. 28.) Defendant's failure to

1 update the Court about its administrative exhaustion suggests that the stay
2 would not cause Defendant great hardship or inequity. (See ECF No. 22.) Delaying
3 disposition about an alleged public nuisance could result in damage to the parties
4 by complicating legal issues and proof, and further delay may also affect the
5 Court's ability to effectively manage its docket. *See In re PG&E Corp. Sec. Litig.*,
6 100 F.4th at 1085.

7 Accordingly, the Court denies Defendant's motion to stay and orders the
8 parties to provide a status update within 30 days of entry of this order.

9 **II. Conclusion**

10 Accordingly, the Court denies Defendant's motion to stay (ECF No. 22).

11 Further, the Court orders the parties to provide a status update within 30
12 days of entry of this order.

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14 Dated this 18th day of February, 2025.

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17 ANNE R. TRAUM
18 UNITED STATES DISTRICT JUDGE
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